

VZCZCXRO4153
PP RUEHCHI RUEHDT RUEHHM RUEHNH RUEHTRO
DE RUEHGO #0100/01 0480901
ZNY CCCCC ZZH
P 170901Z FEB 09
FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC PRIORITY 8689
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1797
RUEHNE/AMEMBASSY NEW DELHI 5271
RUEHUL/AMEMBASSY SEOUL 8871
RUEHKO/AMEMBASSY TOKYO 6443
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4285
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2265
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000100

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

E.O. 12958: DECL: 02/16/2019

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA: OJEA QUINTANA BRIEFS CHARGE

REF: A. 08 RANGOON 646

[1](#)B. 08 GENEVA 419

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

Summary

[1](#)1. (C) In a private meeting February 17, UN Special Rapporteur for Human Rights in Myanmar Thomas Ojea Quintana agreed with Charge's assessment of Burma's deteriorating human rights situation. His four-point agenda includes the need for legal reform, release of political prisoners, reform of the military to respect human rights, including in the lead-up to 2010 elections; and judicial independence. He urges international assistance, including from the USG, to train soldiers and the judiciary in proper conduct. Ojea Quintana has requested meetings with high-ranking GOB officials, including the Prime Minister, Home Minister and Foreign Minister, and intends to raise his agenda with each. The regime is dribbling out Ojea Quintana's schedule. He has yet to meet the NLD, as requested. He was able to meet with five political prisoners in Insein Prison, and he visited a prison in Karen State; but he doubts the GOB will grant his request to visit other prisons in the country. In a February 16 briefing for the diplomatic corps, Ojea Quintana said his trip to Karen State included meetings with representatives of several Karen "ceasefire" groups. His strategy remains to try to engage and cooperate with the GOB to improve human rights, but he said he would reconsider if he does not see tangible results. End summary.

Three Days in and No Set Schedule

[1](#)2. (C) In a private meeting on February 17, Charge and UN Special Rapporteur for Human Rights in Myanmar Thomas Ojea Quintana discussed Burma's human rights situation and the state of his scheduled five-day visit. Ojea Quintana agreed with the Charge's assessment of Burma's deteriorating human rights situation, citing numerous key problems including the ongoing conflict in Karen State and the imprisonment of so many "prisoners of conscience" -- a term he prefers to political prisoners since a number of detainees have been imprisoned for apolitical activities, such as assisting with Nargis relief. Ojea Quintana informed us he has requested meetings with numerous GOB officials including the Prime

Minister, Minister of Home Affairs, Minister of Foreign Affairs, Minister of Relations, Minister of Labor, and the Attorney General. The Special Rapporteur also requested a call on the NLD leadership, visits to prisons in Mandalay and Myitkyina, and a trip to Rakhine State to look into the situation of the Rohingyas. He lamented, however, that since his arrival on February 14, the GOB has not provided him with a firm schedule; and the five-day duration is a much shorter trip than originally requested. He does not expect to have time to do everything he had hoped.

But a Visit to Insein and Karen State

13. (C) Ojea Quintana informed the Charge that he was "satisfied" with his four-hour visit to Insein Prison on February 16. He met privately (i.e., with no GOB officials present and using his own interpreter) with five political prisoners: recently convicted NLD MPs-elect Dr. Tin Min Htut and Nyi Pu (both of whom were sentenced on February 13 to 15 years), jailed lawyer Nyi Nyi Htwe, student activist Kyaw Ko Ko, and detained Buddhist nun Daw Pong Na Mee. He declined to discuss the specifics of the conversations as yet.

14. (C) In a meeting with the entire diplomatic corps a day earlier, February 16, Ojea Quintana said he had visited Karen State with the UN Resident Coordinator, the ILO Liaison Officer, and the UNICEF Representative. The Special Rapporteur said he met with representatives of what he called "ceasefire groups" that remain armed: the Democratic Karen Buddhist Army (pro-regime), the Karen National Union Peace

RANGOON 00000100 002 OF 003

Council (a KNU splinter group that signed a ceasefire agreement with the regime), and the unarmed Pado Aung San (the leader of another, smaller KNU splinter group that surrendered to the regime). He reported that he also visited a prison in the city of Hpa-an, but did not indicate whether he saw any political prisoners there.

Ojea Quintana on the Challenges and Way Forward

15. (C) In the private meeting, Ojea Quintana stressed to Charge the importance of legal reform as part of his stated "four core human rights elements," which also include the progressive release of political prisoners, reform of the armed forces, and the independence of the judiciary. Existing laws permit the regime to punish anyone for anything at any time, Ojea Quintana noted, making legal reform critical. Ojea Quintana said the regime's new Constitution contains provisions that can protect human rights, though he accepted Charge's point that escape clauses could foster continued abuse. Ojea Quintana said his intent is to "use the government's own words" and call for the regime to revise its statutes to be consistent with the new Constitution.

16. (C) When Charge raised the mechanics of the election and the need for a fair election law, Ojea Quintana stated that political issues, including the overall issue of elections, are the mandate of UN Envoy Ibrahim Gambari. Nonetheless, Ojea Quintana said he would address specific election issues that pertain to human rights, such as freedom of association and expression. He also concurred with Charge that the release of political prisoners, including Aung San Suu Kyi, is critical and an essential precondition to any free and fair election. Charge reminded Ojea Quintana that Aung San Suu Kyi's detention order is scheduled to expire this year and urged him to raise the issue with the GOB. Ojea Quintana said he hopes to meet the Attorney General and intends to raise all relevant legal issues, including the legal authority for Aung San Suu Kyi's detention.

17. (C) Despite serious human rights problems, Ojea Quintana told Charge and the diplomatic corps he sees room for cooperative capacity building, such as human rights training

for GOB officials. He stressed to the diplomatic corps the need for the international community to support such efforts, and he privately asked Charge if the USG would consider funding such programs. Charge noted that the regime might readily accept training as "an easy deliverable" without making concrete changes in its behavior, which is the important goal. Thus, proposals for donor support of human rights training for the GOB might be met with skepticism. Charge suggested that training proposals would be best heard if preceded by the release of large numbers of political prisoners.

18. (C) Raising the issue of sanctions, Ojea Quintana stressed to Charge that he sees his mandate as covering all human rights including economic and social rights. He would focus on sanctions to the extent sanctions negatively impact the people, he said, and inquired about any future change in U.S. sanctions policy. Charge noted that he has no guidance from the new Obama administration, but pointed out the USG's demonstrated track-record of separating our policy of targeted sanctions from the significant humanitarian assistance we have provided the Burmese people. He also noted the strong bipartisan support for sanctions in Congress and pointed out that President Obama, Vice President Biden, and Secretary Clinton all co-sponsored the JADE Act.

19. (C) Ojea Quintana told both the diplomatic corps and Charge that his strategy, as outlined in his report to the General Assembly, remains to engage and cooperate with the GOB to improve the human rights situation in Burma. However, he also stressed that he would reconsider that strategy if he does not see tangible results based on his four core principles. When asked whether he has established any benchmarks or timeline for progress, Ojea Quintana said that it is too early, as he has not yet met with any senior GOB

RANGOON 00000100 003 OF 003

officials. He noted, however, that he would submit a report to the UN Human Rights Council in Geneva in March.

Comment

110. (C) Ojea Quintana appears to appreciate just how dire the human rights situation is in Burma. He also is demonstrating a deeper base of knowledge than during his first visit to Burma in August 2008, which he admitted was primarily a fact-finding mission. On this occasion, he is coming prepared with specific proposals, some of which make good sense to us, but it is unclear how hard he will press whichever officials agree to meet him. Many of his proposals clearly cross the regime's red-lines, so his chances of truly meaningful success are not good.
DINGER